

Other party to the proceedings before the Board of Appeal of OHIM intervening before the General Court: XXXLutz Marken GmbH (Wels (Austria)) (represented by: H. Pannen, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 8 September 2010 (Case R 88/2009-4) relating to opposition proceedings between Interkobo sp. Z o.o. and XXXLutz Marken GmbH

Operative part of the order

The Court:

1. Dismisses the action;
2. Orders Interkobo sp. z o.o. to pay the costs.

(¹) OJ C 13, 15.1.2011.

Judgment of the General Court of 3 July 2012 — Marcuccio v Commission

(Case T-594/10 P) (¹)

(Appeal — Civil service — Officials — Social security — Reimbursement of medical expenses — Acts adversely affecting the applicant — Implied refusal)

(2012/C 243/34)

Language of the case: Italian

Parties

Appellant: Luigi Marcuccio (Tricase, Italy) (represented by: G. Cipressa, lawyer)

Other party to the proceedings: European Commission (represented by: J. Currall and C. Berardis-Kayser, Agents, and A. Dal Ferro, lawyer)

Re:

Appeal against the order of the Civil Service Tribunal of the European Union (First Chamber) of 6 October 2010 in Case F-2/10 *Marcuccio v Commission*, not published in the ECR, seeking the setting aside of that order.

Operative part of the judgment

The Court:

1. Sets aside the order of the Civil Service Tribunal of the European Union (First Chamber) of 6 October 2010 in Case F-2/10 *Marcuccio v Commission*, not published in the ECR.
2. Refers the case back to the Civil Service Tribunal.
3. Reserves the costs.

(¹) OJ C 55, 19.2.2011.

Judgment of the General Court of (Fifth Chamber) of 4 July 2012 — Laboratoires CTRS v Commission

(Case T-12/12) (¹)

(Medicinal products for human use — Marketing authorisation for the medicinal product Orphacol — Letter informing the applicant of the Commission's intention to refuse authorisation — Application for a declaration of failure to act — Definition of position by the Commission — Inadmissibility — Application for annulment — Adoption of a new decision — No need to adjudicate)

(2012/C 243/35)

Language of the case: English

Parties

Applicant: Laboratoires CTRS (Boulogne-Billancourt, France) (represented by: K. Bacon, Barrister, M. Utges Manley and M. Barnden, Solicitors)

Defendant: European Commission (represented by: E. White and L. Banciella, acting as Agents)

Interveners in support of the applicant: Czech Republic (represented by: M. Smolek and D. Hadroušek, acting as Agents), French Republic (represented by: G. de Bergues, acting as Agent), and by United Kingdom of Great Britain and Northern Ireland (represented: initially by E. Jenkinson and S. Ossowski, and subsequently by E. Jenkinson and H. Walker, acting as Agents, and by J. Holmes, Barrister)

Re:

Application for a declaration that the Commission failed to act in unlawfully failing to adopt a final decision in relation to the applicant's application for a marketing authorisation for the medicinal product Orphacol, and, in the alternative, for annulment of the decision, allegedly contained in the Commission's letter of 5 December 2011, not to grant that authorisation to the applicant

Operative part of the judgment

The Court:

1. Dismisses the application for a declaration of failure to act as inadmissible;
2. Rules that there is no longer any need to adjudicate on the application for annulment submitted in the alternative;
3. Orders the European Commission to bear its own costs and to pay those incurred by Laboratoires CTRS;
4. Orders the Czech Republic, the French Republic and the United Kingdom of Great Britain and Northern Ireland to bear their own respective costs.

(¹) OJ C 58, 25.2.2012.